IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.3462 OF 2006

Mazda Theatres (P) Ltd. ..Petitioner.

Vs.

Messrs Chhabra Film Exchange ..Respondent.

...

Mr. A.G. Damle for the Petitioner.

CORAM: DR. D.Y. CHANDRACHUD, J.

13th June, 2006.

P.C. :

There are concurrent findings of fact that the landlord had failed to establish that any permanent construction has been carried out. No sanctioned plan of the suit premises was produced. The Courts below were, in the circumstances, justified in coming to the conclusion that there was no evidence to establish the aforementioned ground for eviction.

2. In so far as the question of arrears is concerned, the admitted facts are that initially a notice was issued on 30th November, 1982. This was followed by a notice of demand under

Section 12(2) of the Rent Act dated 28th June, 1983. The notice dated 28th June, 1983 was, however, withdrawn by the landlord on 15th September, 1983. In these circumstances, the finding that there was no valid notice of demand, does not suffer from any infirmity. The Petition is dismissed.